

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
JULY 12, 2007 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin J. Burke, County
Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS
UPDATE**

David Cubbage, Assistant Resident Engineer of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts.

**A WORK SESSION TO UPDATE THE BOARD ON THE ACTIVITIES OF THE
VIRGINIA DEPARTMENT OF FORESTRY WITHIN THE COUNTY**

Terry Lasher, Assistant Regional Forester, Region 3, and Joe Rossetti, Fauquier County Forester, updated the Board of Supervisors on the activities of the Virginia Department of Forestry within the County.

**A WORK SESSION REVIEWING THE ALTERNATIVE SEPTIC SYSTEM PROPOSED
AT THE PADDOCKS AT KASTLE GREENS, INC.**

Frederick P.D. Carr, Director of Community Development, introduced Tom Faye, Department of Environmental Quality, and Charles Shepherd, Virginia Department of Health, who addressed questions relating to an alternative septic system, proposed at The Paddocks at Kastle Greens, Inc.

**A WORK SESSION TO DISCUSS A PROPOSED TEXT AMENDMENT TO ARTICLE
4, PART 4, AND SECTION 5-904 OF THE FAUQUIER COUNTY ZONING
ORDINANCE, AND SECTIONS 15-300 AND 3-323 PERTAINING TO FLOODPLAIN
OVERLAY DISTRICTS**

Postponed.

A WORK SESSION TO REVIEW COUNTY / SCHOOL GARAGE ENTRANCE COSTS

The Board of Supervisors discussed the construction of an apartment complex behind the Warrenton Fire Station and costs that were incurred for adjustments related to the County/School Garage entrance. Chief Scott Taylor, representing the Warrenton Volunteer Fire Company, requested that the County reimburse the Fire Company \$77,586 for legal fees, engineering services, water piping and other site expenses.

A WORK SESSION TO REVIEW FUTURE CAPITAL PROJECTS: PUBLIC SAFETY BUILDING AND PARKING STRUCTURE, AND MAIN LIBRARY

Mrs. Barbara Severin, representing the Library Board, discussed a future capital project concerning the Warrenton Central Library, which is now planned for 2014 as a replacement to the existing Library. Councilman David Norden stated that the Town Council is committed to working with the County to keep the main branch of the Library situated within the Town of Warrenton.

In the interest of time, the Board of Supervisors agreed to postpone its discussions regarding future capital projects related to the Public Safety Building and parking structure.

A JOINT WORK SESSION WITH THE FAUQUIER COUNTY SCHOOL BOARD TO DISCUSS CAPITAL PROJECTS

The Board of Supervisors and the Fauquier County School Board held a joint work session to discuss the following topics pertaining to the Capital program: Presentation from the Financial Advisor with recommendations for financing and fiscal policies; Report of bids received for the construction of Greenville Elementary School; Consideration of award of the bid and appropriation of funding.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Graham offered the invocation.

PLEDGE OF ALLEGIANCE

Vernon Riley led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None

Absent During Vote: *None*
Abstention: *None*

- Move presentation of “Proclamations and Recognitions” ahead of “Citizen’s Time.”

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented a Proclamation Honoring the Heroism of Lance Corporal Kyle Riley.
- Mr. McCulla presented the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting.
- Delegate Scott Lingamfelter and Delegate Mark Cole held a presentation of the General Assembly Joint Senate and House of Delegates Resolutions to Citizens of the Year for 2006, for Mr. Steve Wright, Mr. Clyde Lomax, Mr. Steve Rodgers, Ms. Sally Tufts, Mr. Tim Nevill, and Major Olaf H. Shibusawa.

CITIZENS’ TIME

- Barbara Severin, Scott District, thanked the Board of Supervisors for supporting the efforts of “Keep Fauquier Clean” to promote recycling, and she commended Environmental Service workers for their cleanly maintenance of the New Baltimore and Marshall convenience sites.

CONSENT AGENDA

Mr. Downey moved to adopt the following consent agenda items. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Approval of the Minutes for the June 14, 2007 Regular Meeting and June 15, 2007 Adjourned Meeting of the Fauquier County Board of Supervisors

A Resolution Authorizing the County Administrator to File with the Governor of Virginia a Request that Fauquier County be Designated a Drought Disaster Area

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO FILE WITH THE GOVERNOR OF VIRGINIA A REQUEST THAT FAUQUIER COUNTY BE DESIGNATED A DROUGHT DISASTER AREA

WHEREAS, the drought conditions in Fauquier County have severely affected farmers; and

WHEREAS, during the growing season of this year, Fauquier County received considerably less rain than normal; and

WHEREAS, the Fauquier County Food and Agriculture Council, made up of the Farm Services Agency, the National Resource Conservation Service, and the Virginia Cooperative Extension, reports that approximately 100,000 acres of pasture land and 45 acres of hay land have been adversely affected within Fauquier County, at an estimated loss of \$3.6 million; and

WHEREAS, it is incumbent upon the Fauquier County Board of Supervisors to authorize the County Administrator to file a request with the Governor of Virginia a request that Fauquier County be designated as a drought disaster area; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the County Administrator be, and is hereby, authorized to file a request with the Governor of Virginia to declare Fauquier County a drought disaster area.

A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Amendment to Section 13-51 of the Code of Fauquier County to Add Additional Exemptions to the Requirement to Pay a Local License Registration Fee

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED AMENDMENT TO SECTION 13-51 OF THE CODE OF FAUQUIER COUNTY TO ADD ADDITIONAL EXEMPTIONS TO THE REQUIREMENT TO PAY A LOCAL LICENSE REGISTRATION FEE

WHEREAS, as of July 1, 2007, the General Assembly has authorized counties in Virginia to exempt from local license registration fees one vehicle owned by each Deputy Sheriff, State Police Officer, municipal Police Officer, paid Firefighter and paid Emergency Medical Technician who reside within the County; and

WHEREAS, the Board of Supervisors wishes to consider granting this exemption to each Deputy Sheriff, Virginia State Police Officer, Municipal Police Officer, paid Firefighter and paid Emergency Medical Technician who reside within the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the County Administrator be, and is hereby, directed to schedule a public hearing on a

proposed amendment to Section 13-51 of the Code of Fauquier County to add additional exemptions to the requirement to pay a local registration fee.

A Resolution to Amend the FY 2007 Adopted Budget in the Amount of \$344,184 and Amend the FY 2008 Adopted Budget in the Amount of (\$33,804)

RESOLUTION

A RESOLUTION TO AMEND THE FY 2007 ADOPTED BUDGET
IN THE AMOUNT OF \$344,184 AND AMEND THE FY 2008 ADOPTED BUDGET IN THE
AMOUNT OF (\$33,804)

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 30, 2006, the Board of Supervisors adopted the Fauquier County FY 2007 Budget and on March 29, 2007, adopted the Fauquier County FY 2008 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its June meeting the Finance Committee has recommended for FY 2007 budget adjustments of \$344,184 and for FY 2008 budget adjustments of (\$33,804) for the purposes set forth below; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the FY 2007 Budget be, and is hereby, amended in the amount of \$344,184 and the FY 2008 Budget be, and is hereby, amended in the amount of (\$33,804) as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
(i) <u>FY 2007</u>					
State Funds	3-100-241000-0052	\$12,165	Social Services	4-100-053140-5641	\$12,165
Water Sewer Authority (WSA)	3-100-189900-0050	\$25,624	General Services	4-100-043410-1101 4-100-043410-8107	\$7,624 \$18,000
Federal Funds	3-100-331000-0116	\$33,731	Sheriff's Office	4-302-31200-8205	\$33,731
Utility Fund (Transfer)	4-310-44400-3140 4-310-99999-9999	\$247,208 \$25,456	Utility Fund	4-310-95200-9110 4-310-95200-9120 4-310-95200-9214	\$130,000 \$139,164 \$3,500
(ii) <u>FY 2008</u>					
School Division (De-appropriation)	4-205-61100-1120-306- 100	(\$33,804)	School Division	3-205-242000-0002	(\$33,804)
TOTAL		\$310,380			\$310,380

A Resolution to Authorize the County Administrator to Sign an Agreement Accepting Sponsoring Partnerships And Revitalizing Communities (SPARC) Grant Funds from the Virginia Housing Development Authority

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN AN AGREEMENT ACCEPTING SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) GRANT FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY

WHEREAS, the Fauquier County Board of Supervisors authorized staff to submit a grant application for SPARC funds for an affordable housing program; and

WHEREAS, the Virginia Housing Development Authority (VHDA), through its Sponsoring Partnerships and Revitalizing Communities (SPARC) program, has awarded the County grant funding in the amount of one million dollars (\$1,000,000); now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the County Administrator be, and is hereby, authorized to sign an Agreement accepting the SPARC grant funding.

A Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing for Public Safety Radio Improvements and the Fire Training Center and Firing Range Included in the 2008 Capital Improvement Program

RESOLUTION

A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, Fauquier County, Virginia (the "Borrower"), intends to undertake various capital improvements for or on behalf of its Public Safety Department located in Fauquier County, including without limitation Public Safety Radio Improvements, a Fire Training and Firing Range Center (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the "Bonds") or to incur other debt, in an amount not currently expected to exceed \$2,500,000 to pay the costs of the Project.

2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after May 14, 2007, which date is no more than 60 days prior to the date hereof. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.
5. The Borrower intends that the adoption of this resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
6. This resolution shall take effect immediately upon its passage

Adopted August 9, 2007

A Resolution to Revise Finance Committee Policy #2, Budget Adjustment Guidelines

RESOLUTION

A RESOLUTION TO REVISE FINANCE COMMITTEE POLICY # 2, BUDGET
ADJUSTMENT GUIDELINES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date budget related policies; and

WHEREAS, the Finance Committee (Budget) Policies are continually reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended addition are contained in Finance Committee Policy #2, Budget Adjustment Guidelines, dated June 30, 2007; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the revision of Finance Committee Policy #2, Budget Adjustment Guidelines, be, and is hereby, approved effective June 30, 2007.

A Resolution to Approve Funding for the Purchase of a Development Right on the Wilbur E. Ritchie Farm Under the Purchase of Development Rights Program

RESOLUTION

A RESOLUTION TO APPROVE THE FUNDING FOR THE PURCHASE OF A DEVELOPMENT RIGHT ON THE WILBUR E. RITCHIE FARM UNDER THE PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, and ameliorating the impact of development on the County; and

WHEREAS, the Purchase of Development Rights on the Wilbur E. Ritchie farm was approved by the Board of Supervisors on October 14, 2004, and closed on February 10, 2005; and

WHEREAS, the landowner has requested that the County purchase the one Development Right which was retained on PIN #7807-77-8728; and

WHEREAS, the Fauquier County Board of Supervisors created the PDR Committee to assist the Board of Supervisors in selecting and reviewing qualified properties for preservation; and

WHEREAS, the PDR Committee has reviewed this request and recommends approval by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the County Administrator be, and is hereby, authorized to execute the purchase of one Development Right for \$30,000.00 on the Wilbur E. Ritchie farm.

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF MATTHEW J. SHEEDY

Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF MATTHEW J. SHEEDY

WHEREAS, Matthew J. Sheedy has proposed to donate a conservation easement over his property described as PIN-6042-88-9867-000, consisting of approximately 50.2232 acres, hereinafter “the Property;” and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the “Open-Space Land Act”; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the Board finds as follows:

1. That the proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county’s Comprehensive Plan and thereby advances a public purpose of the County; and
2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the Property and will limit the uses of the Property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and
3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 10-200 TO ALLOW CERTAIN ILLEGAL NONCONFORMING LOTS, IN EXISTENCE PRIOR TO JANUARY 1, 1980, TO BE USED FOR ANY USE PERMITTED IN THE ZONING DISTRICT WHERE IT IS LOCATED OR, IN THE ALTERNATIVE, TO SUBDIVISION ORDINANCE SECTION 4-27 TO ALLOW VARIATIONS BY THE PLANNING COMMISSION WHEN THE STRICT APPLICATION OF THE SUBDIVISION

ORDINANCE WILL RESULT IN SUBSTANTIAL HARDSHIP

Mr. Atherton moved to postpone action on the matter for 60 days, with the caveat that the Planning Commission move forward with an alternative Ordinance to deal with the problem of non-conforming lots that had been legitimately relied upon. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

SPECIAL EXCEPTION #SPEX07-CR-004 – THE PADDOCKS AT KASTLE GREENS, INC., OWNER AND APPLICANT

Mr. Graham moved to adopt the following resolution for approval of Special Exception #SPEX07-CR-004, allowing for fill in the FEMA 100-year floodplain for a proposed 11-lot residential subdivision. Mr. Downey seconded and, following discussion, the vote for the motion was 4 to 1 as follows:

Ayes: Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Chester W. Stribling
Nays: Mr. Richard W. Robison
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE THE PADDOCKS AT KASTLE GREENS SPECIAL EXCEPTIONS: SPEX07-CR-004, A CATEGORY 23 SPECIAL EXCEPTION

WHEREAS, The Paddocks at Kastle Greens, Inc., owner and applicant, requests Special Exception approval to allow for fill in the FEMA 100-year floodplain for a proposed 11-lot residential subdivision on PIN 7808-44-6128-000; and

WHEREAS, the Category 23 Special Exception is requested for fill in the floodplain is for a floodplain crossing to serve as the proposed subdivision ingress/egress and for stormwater Best Management Practice/BMP facilities proposed within the FEMA 100-year floodplain; and

WHEREAS, on April 26, 2007 and May 31, 2007, the Fauquier County Planning Commission held public hearings on the proposed Special Exceptions; and

WHEREAS, on June 14, 2007, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2300; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That SPEX07-CR-004 be, and is hereby, approved, subject to the following conditions:

SPEX07-CR-004: Category 23: Fill or Crossing of FEMA 100-Year Floodplain

1. This Special Exception is granted for and runs with the land indicated in this application as PIN 7808-44-6128-000, and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat "Paddocks at Kastle Greens Preliminary and Special Exception Plat" dated April 10, 2007 and received in the Planning Office on April 11, 2007, as approved with this application, as qualified by these development conditions.
3. Under no circumstances shall any use, activity, fill, and/or development within the floodplain adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system that would increase flood heights and/or velocities on adjacent or downstream properties.
4. The crossing shall be designed to accommodate all Federal, State, and Local requirements and shall incorporate river-training and counter-sinking techniques.
5. Applicant shall submit evidence that applicable permits (DEQ, DCR VMRC, USACOE) have been acquired before any land disturbing activities, for any work in waters of the US and/or the state, associated with the Special Exception improvements commence.
6. A detailed hydrologic and hydraulic flood analysis is to be provided for the Bowens Run flood corridor using Natural Resources Conservation Service methodology.
7. A copy of the floodplain study, including all calculations, assumptions, etc. shall be submitted to the County. This revision shall be submitted to FEMA within six (6) months of notification that it is necessary.
8. If the flood elevations change, a detailed flood study must be prepared to County specifications and submitted to FEMA for a Conditional Letter of Map Revision (CLOMR)/LOMR processing and evidence for this submission will be given to the County prior to issuance of land disturbing permits for work associated within the current FEMA 100-year floodplain. These items must be completed or bonded with Fauquier County until complete.
9. The CLOMR must be approved through FEMA prior to the approval of the Final Construction Plans.
10. The crossing is to pass no less than the 10-year storm flow.
11. The road should be built above the 10-year water surface elevation.

12. In all cases, proposed crossings of the FEMA floodplain shall be aligned and designed to traverse floodplains and the natural stream in locations where disturbance to the floodplain is minimized. (i.e. – in areas where floodplain top widths are the smallest and where the natural stream can be crossed perpendicularly without requiring natural stream channel relocation unless otherwise directed by the County Engineer.)
13. If the road location in the floodplain changes materially, as determined by Community Development, from the location shown on the plat dated April 10, 2007, this Special Exception is no longer valid.
14. Should multiple structures be required to accommodate the projected discharges, the primary cell of the crossing shall be sized to conform to the natural stream characteristics (as defined by stream width, existing bed & banks, invert elevations, etc.) These characteristics must be field surveyed and be included with final plan submittal. The primary cell shall be located in the actual location of the incised streambed. Additional cells of the crossing must be designed to only be activated at such time as the overbank region would normally be activated with higher volumes of stormwater runoff (as determined by the County Engineer). Invert elevations of the additional cells shall be established no lower than the natural overbank elevation where they will be placed. Should the cells be constructed as a single structure, the crown elevation of all cells must be designed to match each other. Depending on the individual site conditions, the additional cells may be constructed separately from the primary cells but must meet Fauquier County and VDOT requirements at the time of final design review.

SPECIAL EXCEPTION #SPEX07-CR-010 – THE PADDOCKS AT KASTLE GREENS, INC., OWNER AND APPLICANT

Mr. Graham moved to adopt the following resolution for approval of Special Exception #SPEX07-CR-010, allowing construction of individual wastewater treatment systems for each lot within a proposed 11-lot residential subdivision. Mr. Downey seconded and, following discussion, the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE THE PADDOCKS AT KASTLE GREENS SPECIAL EXCEPTION: SPEX07-CR-010, A CATEGORY 20 SPECIAL EXCEPTION

WHEREAS, The Paddocks at Kastle Greens, Inc., owner and applicant, requests Special Exception approval to allow for the construction of individual wastewater treatment systems for each lot within a proposed 11-lot residential subdivision on PIN 7808-44-6128-000; and

WHEREAS, the Category 20 Special Exception is requested for construction of individual wastewater treatment systems to serve each lot to handle the household wastewater from the proposed 11-lot development; and

WHEREAS, the system proposed consists of an effluent treatment phase with the finished product is discharged into an evapotranspiration bed; and

WHEREAS, on April 26, 2007 and May 31, 2007, the Fauquier County Planning Commission held public hearings on the proposed Special Exceptions; and

WHEREAS, on June 14, 2007, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That SPEX07-CR-010 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application, currently known as PIN 7808-44-6128-000.
2. This approval grants one private individual non-discharge sewage treatment system for each lot, to accommodate a single family dwelling unit on each lot.
3. The applicant shall submit evidence that applicable permits (VDH and/or DEQ) have been granted for the non-discharge sewage treatment systems for each lot, prior to any land disturbing activities for work associated with the Special Exception.
4. The applicant shall provide a Grading Plan for review and approval by the County Engineer and the Health Department or the Department of Environmental Quality.
5. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
6. The eleven (11) individual non-discharge sewage treatment systems shall be in general conformance with the Special Exception Plat prepared by Bury Partners and received in the Planning Office on May 29, 2007.
7. Each individual non-discharge wastewater treatment system shall be designed to serve a single-family dwelling unit. The design shall include any conditional permit requirements, per the Health Department or the Department of Environmental Quality. A requisite reference shall be recorded with the deed.
8. Prior to and for the duration of construction, the applicant shall provide safety fencing twenty (20) feet beyond the perimeter of the drainfield and reserve area (for the duration of construction) to ensure no excavation and construction activities would render the sites void.

9. The applicant shall provide for either a water meter on its well or an effluent meter to track water usage and submit monthly reports to the Health Department or the Department of Environmental Quality to ensure compliance with this Special Exception and Health Department permit conditions.
10. An initial six month review and subsequent annual inspection of the non-discharge sewage disposal system and readings from the meter shall be submitted to the Health Department or the Department of Environmental Quality.
11. Evidence of a permanent maintenance and monitoring agreement from a state licensed laboratory, company or business and a report on the status of the permitted system shall be submitted annually to the Health Department of the Department of Environmental Quality and to the Zoning Administrator to ensure compliance with this Special Exception. A requisite reference shall be recorded with the deed.
12. The applicant shall install oversized septic and pump tanks to provide adequate storage in the event of power outage.
13. The applicant shall maintain the plants and woody vegetation as shown in the engineered design of the system. These plants shall be maintained on a regular basis and replaced if any die back or do not thrive.

**A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENTS PROGRAM (CIP)
FY 2008-FY 2017**

Mr. Robison moved to adopt a resolution to adopt the Capital Improvements Program (CIP) FY 2008 - FY 2017. Mr. Graham seconded. Mr. Downey offered a friendly amendment to accelerate the 12th elementary school on the list of Capital Improvements Program priorities. Following discussion, Mr. Robison moved to amend the original motion to move the funding for elementary school #12 from FY 2013-2014 to FY 2009-2010. Mr. Graham seconded, and the vote for the motion was 3 to 2 as follows:

<i>Ayes:</i>	<i>Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison</i>
<i>Nays:</i>	<i>Mr. Harry F. Atherton; Mr. Chester W. Stribling</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Mr. Graham then moved to adopt the following resolution approving the Capital Improvements Program (CIP) FY 2008 - FY 2017, as amended. Mr. Downey seconded, and the vote for the motion was 3 to 2 as follows:

<i>Ayes:</i>	<i>Mr. William G. Downey; Mr. Raymond E. Graham; Mr. Richard W. Robison</i>
<i>Nays:</i>	<i>Mr. Harry F. Atherton; Mr. Chester W. Stribling</i>

Absent During Vote: *None*
Abstention: *None*

RESOLUTION
A RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENTS PROGRAM (CIP)
FY 2008 – FY 2017

WHEREAS, the Board of Supervisors has established an objective to adopt a Capital Improvements Program (CIP) each year; and

WHEREAS, the Capital Review Committee and Planning Commission had several developmental meetings to formulate the recommended CIP; and

WHEREAS, both the Planning Commission and the Board of Supervisors have held respective public hearings on the recommended CIP; and

WHEREAS, the Board of Supervisors has held a work session on the CIP; and

WHEREAS, the Board of Supervisors determined to amend the recommended CIP to move the twelfth elementary school funding to FY 2009/2010; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the FY 2008-2017 Capital Improvements Program be, and is hereby, adopted.

APPEAL OF DENIAL OF PRELIMINARY PLAT PPLT07-CR-009 AND WAIVER WVRP07-CR-020

Mr. Atherton moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: *Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *Mr. Raymond E. Graham*

RESOLUTION
A RESOLUTION TO AFFIRM THE DECISION OF THE PLANNING COMMISSION TO DENY THE PADDOCKS AT KASTLE GREENS SUBDIVISION PRELIMINARY PLAT (PPLT07-CR-009) AND WAIVER (WVRP07-CR-020) PURSUANT TO ZONING ORDINANCE SECTION 2-406(6), CEDAR RUN DISTRICT

WHEREAS, The Paddocks at Kastle Greens, Inc., applicant for The Paddocks at Kastle Greens Preliminary Plat, has proposed to divide one parcel of approximately 212.5 acres into ten (10) single-family residential lots, including a non-common open space lot of 189.93 acres; and

WHEREAS, The Paddocks at Kastle Greens, Inc., has shown 189.93 acres as non-common open space as part of the subdivision; and

WHEREAS, Section 4-27 of the Fauquier County Subdivision Ordinance states that due to unusual size, topography, or shape or other unusual condition of a property not resulting from the developers deliberate act, a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the developer; and

WHEREAS, Section 4-27 allows the Planning Commission to vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; and

WHEREAS, Section 4-11 of the Fauquier County Subdivision Ordinance states that no subdivision shall be approved where individual water and/or septic tank systems are to be used until written approval has been secured from the Health Director, and where required by the provisions of the Zoning Ordinance, a Special Exception has been obtained permitting development of the parcel on individual septic tank systems and/or individual wells; and

WHEREAS, Section 9-13 of the Fauquier County Subdivision Ordinance states that no development will be approved unless the developer and/or the County can provide an adequate solution to remedy the problem in accordance with the requirements set forth within this section of the Ordinance; and

WHEREAS, Section 5-2000 of the Fauquier County Zoning Ordinance does not allow discharge systems for new construction; and

WHEREAS, Section 9-5 of the Fauquier County Subdivision Ordinance (C) requires an approved Preliminary Soils Report as part of the Preliminary Plat application; and

WHEREAS, Section 9-6 of the Fauquier County Subdivision Ordinance requires approval from the Virginia Department of Transportation prior to Planning Commission approval; and

WHEREAS, on May 31, 2007, the Planning Commission unanimously denied the Preliminary Plat, cul-de-sac length waiver, and waiver of the requirement for Health Department approval with stated reasons in its resolution motion; and

WHEREAS, the applicant has corrected the plans and eliminated the need for the cul-de-sac length waiver; and

WHEREAS, pursuant to Zoning Ordinance Section 2-406(6) the applicant has the right to appeal the Planning Commission's denial of the Preliminary Plat for a cluster subdivision; and

WHEREAS, the Fauquier County Board of Supervisors has evaluated and considered all evidence presented;

WHEREAS, the Board of Supervisors has determined that the Planning Commission's denial of the waiver of Section 4-11 of the Subdivision Ordinance is appropriate and is accordance with the requirements of the Subdivision Ordinance, and that waiver of this requirement is not warranted; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, that the Board does hereby uphold the decision of the Planning Commission to deny both The Paddocks at Kastle Green Preliminary Plat (PPLT07-CR-009) and Waiver (WVRP07-CR-020).

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Transportation Committee – Scott District: Tommie Hillis was appointed to fill an unexpired term that ends December 31, 2007.

SUPERVISORS' TIME

- Mr. Downey stated that he thinks that this Board and future Board's need to start and continue the discussions about perhaps entering into a policy departure of considering road bond type of projects for special instances where the County has directed the growth in the service districts for commercial/industrial types of projects. Mr. Downey stated that the County is sorely lacking the roads and the infrastructure in the service districts; that these roads are country roads and they are not able to handle the traffic loads that are on them now, much less handle any additional traffic load. Mr. Downey stated that he believes if, indeed, this Board and future Boards are sincere about a commitment to expanding the industrial/commercial tax base, the infrastructure must be expanded, and that takes a commitment of the County. Mr. Downey expressed his hope that the Board members can start that discussion, have some meaningful debates if necessary, and proceed on.
- Mr. Graham stated that a public information sharing meeting that will be held at Fauquier High School on Tuesday, July 17, 2007, at 6:30 P.M., to discuss the proposed Dominion Virginia power transmission lines. Additionally, the State Corporation Commission public hearings on this subject will be held on July 26 - 27, 2007, at Fauquier High School, to give citizens an opportunity to testify regarding the proposed towers. Mr. Graham stated that the annual Fauquier County Fair will open on July 19, 2007, and he encouraged citizens to attend and enjoy the events.
- Mr. Robison reiterated that the Fauquier County Fair will be held July 19 – 22, 2007.

ANNOUNCEMENTS

- Mr. McCulla announced that the Board of Supervisors will reconvene in closed session on July 13, 2007, at 9:00 A.M. in the second floor conference room to hear an appeal of an EEOC decision.

- Mr. McCulla announced that on July 13, 2007, Richard Reiss, Executive Director of the Vint Hill Economic Development Authority, was originally scheduled to give an update on the future plans of the VHEDA; however, this talk has been postponed for a few weeks and will be rescheduled at a later date.
- Mr. McCulla announced that on July 17, 2007, at 6:30 P.M. there will be a community meeting in the Fauquier High School auditorium to discuss the Dominion power lines. He further stated that the State Corporation Commission hearings will be held at Fauquier High School on July 26, 2007, beginning at 1:30 P.M., and there will also be an evening session at 7:00 P.M. on that date. He stated that the SCC hearings will continue at 9:30 A.M. on July 27, 2007, at Fauquier High School. He added that citizens will also have an opportunity to comment on-line at the State Corporation Commission's website.
- Mr. McCulla announced that on August 9, 2007, the Board of Supervisors' will reconvene for its next regular meeting.

A RESOLUTION TO AMEND THE COMMUNITY DEVELOPMENT FEE SCHEDULE TO AUTHORIZE A \$150.00 INCREASE TO THE FEE FOR REVIEW OF BOUNDARY LINE ADJUSTMENT PLATS

A public hearing was held to consider an amendment to change the Community Development fee schedule to authorize a \$150.00 increase to the fee for review of boundary line adjustment plats. Mr. Atherton waived the staff report. No one spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE COMMUNITY DEVELOPMENT FEE SCHEDULE TO AUTHORIZE A \$150 INCREASE TO THE FEE FOR REVIEW OF BOUNDARY LINE ADJUSTMENT PLATS

WHEREAS, the Health Department reviews all proposed boundary line adjustment in order to determine whether the adjustments adversely impact existing drainfield or well sites; and

WHEREAS, the County and the Health Department have proposed a \$150 fee increase to compensate for the staff time necessary to review such plats against the records of the Department; and

WHEREAS, the County had conducted a public hearing, considered public comment and determined that the proposed fee increase is appropriate, in the public interest and consistent with good zoning practice; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That the Community Development Fee Schedule be and is hereby increased by \$150.00, and that the new review fee shall thereafter be \$650.

A RESOLUTION TO INCREASE FUNDING FOR THE SECOND ENTRANCE TO KETTLE RUN HIGH SCHOOL, AND GREENVILLE ELEMENTARY SCHOOL

A public hearing was held to consider a request to increase funding by an additional \$700,000 to complete the Second Entrance to Kettle Run High School, and to increase funding by an additional \$2.9 million for Greenville Elementary. Bryan Tippie, Budget Director, summarized the proposed increase in funding. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROPRIATE \$2.5 MILLION IN ADDITIONAL FUNDING FOR THE GREENVILLE ELEMENTARY SCHOOL

WHEREAS, the School Board has indicated that construction bids opened on July 11, 2007, may increase costs to build the Greenville Elementary School by \$2,534,102; and

WHEREAS, the Board of Supervisors in a joint work session with the School Board stated its support of additional construction funding; and

WHEREAS, a public hearing was held on July 12, 2007, to receive citizen comments on this issue, now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 12th day of July 2007, That \$2,534,102 be, and is hereby, approved for appropriation to support additional costs to build Greenville Elementary School; and, be it

RESOLVED FURTHER, That County staff is directed to identify and implement the most efficient source of funding to support the \$2,534,102 and that all related actions are in accordance with established policies.

PROPOSED TEXT AMENDMENT TO THE ZONING ORDINANCE TO ADD SECTIONS 3-332 AND 5-3200

A public hearing was held to consider a Zoning Ordinance Text Amendment to add Sections 3-332 and 5-3200 to permit the use of density from adjoining properties in the RA and RC zones without parcel consolidation with special exception approval. Kevin J. Burke, County Attorney, summarized the proposed text amendment. John King, representing the Flying Circus, spoke in opposition to the proposed amendment. Todd Benson, representing Piedmont Environmental Council, spoke in opposition to the proposed amendment. David Brown, Scott District, spoke in opposition to the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to deny the proposed text amendment. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

COMPREHENSIVE PLAN AMENDMENT #CPAM06-LE-006 – DONALD R. THARPE, OWNER AND APPLICANT – GLOBAL WAY

A public hearing was held to consider an application to obtain a Comprehensive Plan Amendment to designate 9.01 acres as Commercial. The property is located east of Catlett Road (Route 28), Lee District, further identified as PIN 6990-61-3090-000 and PIN 6990-51-8180-000. Frederick P.D. Carr, Director of Community Development, summarized the proposed amendment. Melissa Helmick, Lee District, expressed concern on how the proposed commercial usage of the property would affect the equine usage of her rural agricultural property. Chuck Floyd, representing Carson-Ashley, spoke on behalf of the applicant to request favorable consideration of the amendment. Steve Hamilton, proprietor of Hamilton Auto Body, spoke in favor of the amendment. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was 4 to 0 as follows:

Ayes: ***Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***Mr. Harry F. Atherton***

RESOLUTION

A RESOLUTION TO APPROVE THE GLOBAL WAY COMPREHENSIVE PLAN AMENDMENT CPAM06-LE-006 TO CHANGE THE LAND USE DESIGNATION OF APPROXIMATELY 9.0001 ACRES OF LAND FROM RURAL TO COMMERCIAL IN THE BEALETON SERVICE DISTRICT PLAN

WHEREAS, Donald R. Tharpe, Owner/Applicant, initiated a Comprehensive Plan Amendment, CPAM06-LE-006, to allow for a change in the land use designation from Rural to Commercial on one (1) parcel identified by PIN 6990-61-3090-000; and

WHEREAS, the requested Comprehensive Plan Amendment would allow for the companion rezoning for 9.001 acres of land from RA to C-2 to allow for a commercial development corresponding to and complementing the existing adjacent commercial development to the east; and

WHEREAS, on May 31, 2007, the Planning Commission held a public hearing on the application and voted to recommend approval of the Comprehensive Plan Amendment to the Board of Supervisors; and

WHEREAS, on July 12, 2007, the Fauquier County Board of Supervisors conducted a public hearing and considered the written and oral testimony; and

WHEREAS, the Fauquier County Board of Supervisors concurred with the judgment of the Planning Commission and finds that the Comprehensive Plan Amendment is warranted for this request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of July 2007, That Comprehensive Plan Amendment CPAM06-LE-006, Donald R. Tharpe, Owner/Applicant, be, and is hereby, approved.

With no further business, the meeting was adjourned at 8:30 P.M. to reconvene in closed session on July 13, 2007.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 12, 2007.

Paul S. McCulla
Clerk to the Board of Supervisors